

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

AMERICAN PREMIUM INVESTMENTS, LLC.,	:	
	:	
	:	
Plaintiff,	:	
	:	Case No. C2-11-CV-167
v.	:	
	:	JUDGE ALGENON L. MARBLEY
MIDWEST REAL ESTATE CONSULTANTS, LLC., <i>et al.</i>,	:	
	:	
Defendants.	:	Magistrate Judge Terrence P. Kemp

ORDER

This matter is before the Court on the Plaintiff's Motion for Default Judgment (Doc. 9).

The Plaintiff and the Defendants entered into a construction contract for the rehabilitation of a fourteen-unit property that the Plaintiff owns in Columbus, Ohio. The Plaintiff claims that, although it fully performed under the contract, the Defendants did not. In particular, the Defendants either completed the construction below the standards specified in the contract or did not complete the work at all.

On June 29, 2011, the Clerk entered a default against the Defendants (Doc. 8). The Plaintiff then moved for default judgment under Rule 55(b). The Plaintiff originally sought judgment against Defendants Robert Biscello, Jr. and Midwest Real Estate Consultants, L.L.C., but withdrew its motion against Defendant Biscello due to his pending bankruptcy action (Doc. 11).

The Court held an evidentiary hearing under Rule 55(b)(2) on September 27, 2011. At that hearing, Jason Medina of American Premium Investments testified as to the damages the Plaintiff incurred from the Defendants' breach of the contract. He testified to damages in the

following amounts: (1) \$50,000 for money the Plaintiff paid under the contract for work the Defendants did not complete; (2) \$133,451.92 to \$240,000 for the completion of the work the Defendants were supposed to perform under the contract; (3) \$4,200 for the replacement of three HVAC units that the Defendants installed unsatisfactorily; and (4) \$18,467.80 in attorneys fees. The Plaintiff's counsel requested on the record that the Court award the Plaintiff damages in the amount of \$206,119.72.

For the reasons stated on the record, the Court **GRANTS** the Plaintiff's Motion for Default Judgment and **ORDERS** that judgement be entered against Defendant Midwest Real Estate Consultants, L.L.C. in the amount of \$206,119.72.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Court Judge

DATED: September 27, 2011